

Calendar No. 1032

110TH CONGRESS
2D SESSION**S. 3136**

To encourage the entry of felony warrants into the NCIC database by States
and provide additional resources for extradition.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2008

Mr. BIDEN (for himself and Mr. DURBIN) introduced the following bill; which
was read twice and referred to the Committee on the Judiciary

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LEAHY, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To encourage the entry of felony warrants into the NCIC
database by States and provide additional resources for
extradition.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fugitive Information
5 Networked Database Act of 2008” or the “FIND Act”.

1 **SEC. 2. DEFINITION.**

2 In this Act, the term “National Crime Information
3 Center database” is the computerized index of criminal
4 justice information operated by the Federal Bureau of In-
5 vestigation pursuant to section 534 of title 28, United
6 States Code, and available to Federal, State, and local law
7 enforcement and other criminal justice agencies.

8 **SEC. 2. FINDINGS.**

9 *Congress finds the following:*

10 (1) *Nationwide, there are an estimated 2,800,000*
11 *to 3,200,000 active Federal, State, and local warrants*
12 *for the arrest of persons charged with felony crimes.*

13 (2) *State and local law enforcement authorities*
14 *have insufficient resources to devote to searching for*
15 *and apprehending fugitives. As a result, large num-*
16 *bers of fugitives evade arrest. State and local law en-*
17 *forcement authorities also lack resources for extra-*
18 *ditioning fugitives who have been arrested in other*
19 *States. As a result, such fugitives frequently are re-*
20 *leased without prosecution.*

21 (3) *Increasing the resources available for con-*
22 *ducting fugitive investigations and transporting fugi-*
23 *tives between States would increase the number of fu-*
24 *gitives who are arrested and prosecuted.*

25 (4) *The United States Marshals Service (referred*
26 *to in this Act as the “USMS”) plays an integral role*

1 *in the apprehension of fugitives in the United States,*
2 *and has a long history of providing assistance and*
3 *expertise to Federal, State, and local law enforcement*
4 *agencies in support of fugitive investigations.*

5 *(5)(A) Pursuant to the Presidential Threat Pro-*
6 *tection Act of 2000, the USMS created the Regional*
7 *Fugitive Task Force (referred to in this Act as the*
8 *“RFTF”) program. Through the RFTFs, the USMS*
9 *combines the efforts and resources of Federal, State,*
10 *and local law enforcement authorities for the purpose*
11 *of locating and apprehending fugitives.*

12 *(B) Between 2002 and 2006, the USMS estab-*
13 *lished 6 RFTFs—*

14 *(i) the New York/New Jersey RFTF, based*
15 *in New York, NY;*

16 *(ii) the Pacific Southwest RFTF, based in*
17 *Los Angeles, CA;*

18 *(iii) the Great Lakes RFTF, based in Chi-*
19 *cago, IL;*

20 *(iv) the Southeast RFTF, based in Atlanta,*
21 *GA;*

22 *(v) the Capital Area RFTF, based in Wash-*
23 *ington, DC; and*

24 *(vi) the Gulf Coast RFTF, based in Bir-*
25 *mingham, AL.*

(6) *More than 230 Federal, State, and local law enforcement agencies have partnered with the 6 RFTFs, creating a “force multiplier” that significantly expands the capacity of each agency to locate and apprehend fugitives. Since their inception, these 6 RFTFs have arrested approximately 90,000 Federal and State felony fugitives. However, the USMS has not received significant resources for developing additional RFTFs since 2006.*

(7)(A) *The USMS believes that the following geographic areas of the United States would benefit from the creation of an RFTF:*

(i) The Carolinas.

(ii) The Caribbean.

(iii) Texas.

(iv) New England (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island).

(v) Florida.

(vi) Northern California.

(vii) The Heartland (Missouri, Iowa).

(viii) Michigan and Ohio.

(ix) Pacific Northwest (Oregon, Washington, Alaska, Idaho).

1 (x) *Mountain* (Colorado, Utah, Wyoming,
2 Kansas, Montana, Nebraska, North Dakota,
3 South Dakota).

4 (xi) *Mid-Atlantic* (Pennsylvania, Delaware,
5 West Virginia).

6 (xii) *Southwest* (New Mexico, Arizona,
7 Oklahoma).

8 (B) *The establishment of RFTFs in each of these*
9 *additional regions would enable the USMS to provide*
10 *effective fugitive location and apprehension assistance*
11 *to every State and territory in the United States.*

12 (8) *The USMS utilizes the Justice Prisoner and*
13 *Alien Transportation Service (referred to in this Act*
14 *as the “JPATS”) to transport Federal detainees and*
15 *prisoners. It also makes JPATS available to a very*
16 *limited number of State and local law enforcement*
17 *agencies on a reimbursable, space-available basis for*
18 *the purpose of transporting a fugitive from the place*
19 *where the fugitive was arrested to the jurisdiction that*
20 *issued the warrant for the fugitive’s arrest. Through*
21 *JPATS, these agencies are able to reduce the cost of*
22 *extradition significantly.*

23 (9) *Expanding JPATS so that the USMS can*
24 *make it available to all State and local law enforce-*
25 *ment agencies that participate in an RFTF would*

1 *lower the cost of transporting fugitives for extradition*
2 *and lead to the prosecution of a greater number of fu-*
3 *gitives.*

4 *(10) Since 1967, the Federal Bureau of Inves-*
5 *tigation has operated the National Crime Information*
6 *Center (referred to in this Act as the “NCIC”), which*
7 *administers a nationwide database containing crimi-*
8 *nal history information from the Federal Government*
9 *and the States, including outstanding arrest war-*
10 *rants. The NCIC database allows a law enforcement*
11 *officer who stops a person in 1 State to obtain infor-*
12 *mation about a warrant for that person issued in an-*
13 *other State. It contains approximately 1,300,000 fel-*
14 *ony and misdemeanor warrants. It is missing over*
15 *half of the country’s 2,800,000 to 3,200,000 felony*
16 *warrants, including warrants for hundreds of thou-*
17 *sands of violent crimes.*

18 *(11) A State’s failure to enter a warrant into the*
19 *NCIC database enables a fugitive to escape arrest even*
20 *when the fugitive is stopped by a law enforcement of-*
21 *ficer in another State, because such officer is not*
22 *aware there is a warrant for the fugitive’s arrest.*
23 *Many such fugitives go on to commit additional*
24 *crimes. In addition, they pose a danger to officers*
25 *who encounter them without knowledge of their pend-*

1 *ing charges or record of fleeing law enforcement au-*
 2 *thorities.*

3 *(12) All warrants entered into the NCIC data-*
 4 *base must be validated on a regular basis to ensure*
 5 *that the information in the warrant is still accurate*
 6 *and that the warrant is still active.*

7 *(13) Improving the entry and validation of war-*
 8 *rants in the NCIC database would enable law enforce-*
 9 *ment officers to identify and arrest a larger number*
 10 *of fugitives, improve the safety of these officers, and*
 11 *better protect communities from crime.*

12 *(14) Federal funds for State and local law en-*
 13 *forcement are most effective when they do not sup-*
 14 *plant, but rather supplement State and local funds.*

15 **SEC. 3. DEFINITIONS.**

16 *In this Act:*

17 *(1) ACTIVE WARRANT.—The term “active war-*
 18 *rant” means a warrant that has not been cleared. A*
 19 *warrant may be cleared by arrest or by the deter-*
 20 *mination of a law enforcement agency that a warrant*
 21 *has already by executed or that the subject is de-*
 22 *ceased.*

23 *(2) FELONY WARRANT.—The term “felony war-*
 24 *rant” means any warrant for a crime that is punish-*
 25 *able by a term of imprisonment exceeding 1 year.*

1 (3) *STATE*.—*The term “State” means any State*
 2 *of the United States, the District of Columbia, the*
 3 *Commonwealth of Puerto Rico, the Virgin Islands,*
 4 *American Samoa, Guam, and the Northern Mariana*
 5 *Islands and includes law enforcement agencies, courts,*
 6 *and any other government agencies involved in the*
 7 *issuance of warrants.*

8 (4) *UNIT OF LOCAL GOVERNMENT*.—*The term*
 9 *“unit of local government”—*

10 *(A) means—*

11 *(i) any city, county, township, bor-*
 12 *ough, parish, village, or other general pur-*
 13 *pose political subdivision of a State; or*

14 *(ii) any law enforcement district or ju-*
 15 *dicial enforcement district that is estab-*
 16 *lished under applicable State law and has*
 17 *the authority to, in a manner independent*
 18 *of other State entities, establish a budget*
 19 *and impose taxes; and*

20 *(B) includes law enforcement agencies,*
 21 *courts, and any other government agencies in-*
 22 *volved in the issuance of warrants.*

23 (5) *INDIAN COUNTRY*.—*The term “Indian coun-*
 24 *try” has the meaning given the term in section 1151*
 25 *of title 18, United States Code.*

1 (6) *INDIAN TRIBE*.—The term “Indian tribe” has
 2 the meaning given the term in section 102 of the Fed-
 3 erally Recognized Indian Tribe List Act of 1994 (25
 4 U.S.C. 479a) and includes tribal law enforcement
 5 agencies, tribal courts, and any other tribal agencies
 6 involved in the issuance of warrants.

7 **SEC. 34. GRANTS TO ENCOURAGE STATES TO ENTER FEL-**
 8 **ONY WARRANTS.**

9 (a) *STATE SYSTEM*.—A State Attorney General may,
 10 in consultation with local law enforcement and any other
 11 relevant government agencies, apply for a grant from the
 12 United States Attorney General to—

13 (1) develop and implement secure, electronic
 14 warrant management systems that permit the
 15 prompt preparation, submission, and validation of
 16 warrants and are compatible and interoperable with
 17 the National Crime Information Center database; or

18 (2) upgrade existing electronic warrant manage-
 19 ment systems to ensure compatibility and interoper-
 20 ability with the National Crime Information Center
 21 database;

22 to facilitate information sharing and to ensure that felony
 23 warrants entered into State and local warrant databases
 24 can be automatically entered into the National Crime In-
 25 formation Center database. The grant funds may also be

1 used to hire additional personnel, as needed, for the vali-
2 dation of warrants entered into the National Crime Infor-
3 mation Center database.

4 (b) ELIGIBILITY.—In order to be eligible for a grant
5 authorized under subsection (a), a State shall submit to
6 the United States Attorney General—

7 (1) a plan to develop and implement, or up-
8 grade, systems described in subsection (a);

9 (2) a report that—

10 (A) details the number of felony warrants
11 outstanding in the State;

12 (B) describes any backlog of warrants that
13 have not been entered into the State and local
14 warrant databases or into the National Crime
15 Information Center database, over the pre-
16 ceeding 3 years (including the number of such
17 felony warrants);

18 (C) explains the reasons for the failure of
19 State and local government agencies to enter
20 felony warrants into the National Crime Infor-
21 mation Center database; and

22 (D) demonstrates that State and local gov-
23 ernment agencies have made good faith efforts
24 to eliminate any such backlog; and

1 ~~(3) guidelines for warrant entry by State and~~
 2 ~~local government agencies that will ensure that fel-~~
 3 ~~ony warrants entered into State and local warrant~~
 4 ~~databases will also be entered into the National~~
 5 ~~Crime Information Center database and explain the~~
 6 ~~circumstances in which, as a matter of policy, cer-~~
 7 ~~tain felony warrants will not be entered into the Na-~~
 8 ~~tional Crime Information Center database.~~

9 ~~(c) AUTHORIZATION.—There are authorized to be ap-~~
 10 ~~propriated to the Attorney General \$25,000,000 for each~~
 11 ~~of the fiscal years 2009 and 2010 for grants to State and~~
 12 ~~local government agencies for resources to carry out the~~
 13 ~~requirements of this section.~~

14 ~~(a) AUTHORIZATION OF GRANTS.—~~

15 ~~(1) IN GENERAL.—The Attorney General shall~~
 16 ~~make grants to States in a manner consistent with~~
 17 ~~the National Criminal History Improvement Pro-~~
 18 ~~gram, which shall be used by States or Indian tribes,~~
 19 ~~in consultation with State, local, and tribal govern-~~
 20 ~~ment agencies, to—~~

21 ~~(A)(i) develop and implement secure, elec-~~
 22 ~~tronic warrant management systems that permit~~
 23 ~~the prompt preparation, submission, and valida-~~
 24 ~~tion of warrants and are compatible and inter-~~
 25 ~~operable with the National Crime Information~~

1 *Center database to facilitate information sharing*
2 *and to ensure that felony warrants entered into*
3 *State and local warrant databases by State and*
4 *local government agencies can be automatically*
5 *entered into the National Crime Information*
6 *Center database; or*

7 *(ii) upgrade existing electronic warrant*
8 *management systems to ensure compatibility and*
9 *interoperability with the National Crime Infor-*
10 *mation Center database to facilitate information*
11 *sharing and to ensure that felony warrants en-*
12 *tered into State and local warrant databases by*
13 *State and local government agencies can be auto-*
14 *matically entered into the National Crime Infor-*
15 *mation Center database; and*

16 *(B) ensure that all State, local, and tribal*
17 *government agencies that need access to the Na-*
18 *tional Crime Information Center database for*
19 *criminal justice purposes can access the data-*
20 *base.*

21 *Up to 5 percent of the grant funds awarded under*
22 *this section to each State and Indian tribe may also*
23 *be used to hire additional personnel, as needed, to*
24 *validate warrants entered into the National Crime*
25 *Information Center database.*

1 (2) *SET-ASIDE*.—Up to 2 percent of the grant
 2 funding available under this section shall be reserved
 3 for Indian tribal governments.

4 (b) *ELIGIBILITY*.—In order to be eligible for a grant
 5 authorized under subsection (a), a State or Indian tribe
 6 shall submit to the Attorney General—

7 (1) a plan to develop and implement, or up-
 8 grade, systems described in subsection (a)(1);

9 (2) a report that—

10 (A) details the number of active felony war-
 11 rants issued by the State, including felony war-
 12 rants issued by units of local government within
 13 the State or Indian tribe;

14 (B) describes the number and type of active
 15 felony warrants that have not been entered into
 16 a State, local, or tribal warrant database or into
 17 the National Crime Information Center data-
 18 base;

19 (C) explains the reasons State, local, and
 20 tribal government agencies have not entered ac-
 21 tive felony warrants into the National Crime In-
 22 formation Center database; and

23 (D) demonstrates that State, local, and trib-
 24 al government agencies have made good faith ef-
 25 forts to eliminate any such backlog; and

1 (3) *guidelines for warrant entry by the State, in-*
 2 *cluding units of local government, or Indian tribe*
 3 *that will ensure felony warrants issued by the State,*
 4 *including units of local government within the State,*
 5 *or Indian tribe will be entered into the National*
 6 *Crime Information Center database, and a descrip-*
 7 *tion of the circumstances, if any, in which, as a mat-*
 8 *ter of policy, certain such warrants will not be en-*
 9 *tered into the National Crime Information Center*
 10 *database.*

11 (c) *REPORT TO THE ATTORNEY GENERAL.*—A State
 12 or Indian tribe that receives a grant under this section
 13 shall, 1 year after receiving the grant, report to the Attorney
 14 General—

15 (1) *the number of active felony warrants issued*
 16 *by that State, including units of local government*
 17 *within that State or Indian tribe;*

18 (2) *the number of those felony warrants entered*
 19 *into the National Crime Information Center database;*
 20 *and*

21 (3) *with respect to felony warrants not entered*
 22 *into the National Crime Information Center database,*
 23 *the reasons for not entering such warrants.*

24 (d) *AUTHORIZATION.*—There are authorized to be ap-
 25 propriated to the Attorney General \$15,000,000 for each of

1 *the fiscal years 2009 and 2010 and \$20,000,000 for fiscal*
 2 *year 2011 for grants to State and local government agencies*
 3 *for resources to carry out the requirements of this section.*

4 **SEC. 45. FBI COORDINATION.**

5 The Federal Bureau of Investigation shall provide to
 6 State and local government agencies the technological
 7 standard that ensures compatibility and interoperability of
 8 all State and local warrant databases with the National
 9 Crime Information Center database, local, and tribal gov-
 10 ernment agencies the technological standard to ensure the
 11 compatibility and interoperability of all State and local
 12 warrant databases with the National Crime Information
 13 Center database, as well as other technical assistance to fa-
 14 cilitate the implementation of automated State, local, and
 15 tribal warrant management systems that are compatible
 16 and interoperable with the NCIC database.

17 **SEC. 56. REPORT REGARDING FELONY WARRANT ENTRY.**

18 ~~(a) IN GENERAL.~~—Not later than 270 days after the
 19 date of the enactment of this Act, the Comptroller General
 20 of the United States shall submit to the House and Senate
 21 Committees on the Judiciary a report regarding—

- 22 ~~(1)~~ the number of felony warrants currently ac-
 23 tive in each State;
 24 ~~(2)~~ the number of those felony warrants that
 25 State and local government agencies have entered

1 into the National Crime Information Center data-
2 base;

3 ~~(3) the number of times State and local law en-~~
4 ~~forcement in each State has been contacted regard-~~
5 ~~ing a fugitive apprehended in another State over the~~
6 ~~preceding 3 years; and~~

7 ~~(4) the number of fugitives from each State~~
8 ~~who were apprehended in other States over the pre-~~
9 ~~ceding 3 years but not extradited.~~

10 *(a) IN GENERAL.—Not later than 270 days after the*
11 *date of the enactment of this Act, the Comptroller General*
12 *of the United States shall submit to the House and Senate*
13 *Committees on the Judiciary a report regarding—*

14 *(1) the number of active felony warrants issued*
15 *by each State, including felony warrants issued by*
16 *units of local government, and Indian tribe;*

17 *(2) the number of those active felony warrants*
18 *that State, local, and tribal government agencies have*
19 *entered into the National Crime Information Center*
20 *database; and*

21 *(3) for the preceding 3 years, the number of per-*
22 *sons in each State with an active felony warrant who*
23 *were—*

24 *(A) apprehended in other States or in In-*
25 *dian Country but not extradited; and*

1 *(B) apprehended in other States or in In-*
 2 *dian Country and extradited.*

3 (b) ASSISTANCE.—To assist in the preparation of the
 4 report required by subsection (a), the Attorney General
 5 shall provide the Comptroller General of the United States
 6 with access to any information collected and reviewed in
 7 connection with the grant application process described in
 8 ~~section 3~~ *section 4.*

9 ~~(c) REPORT TO THE ATTORNEY GENERAL.—~~States
 10 ~~that receive grants under section 3 shall, as a condition~~
 11 ~~of receiving the grant, report to the Attorney General on~~
 12 ~~an annual basis the number of felony warrants entered~~
 13 ~~into the State and local warrant databases, the number~~
 14 ~~of felony warrants entered into the National Crime Infor-~~
 15 ~~mation Center database, and, with respect to felony war-~~
 16 ~~rants not entered into the National Crime Information~~
 17 ~~Center database, the reasons for not entering such war-~~
 18 ~~rants. On an annual basis, the Attorney General shall sub-~~
 19 ~~mit to the House and Senate Committees on the Judiciary~~
 20 ~~a report containing the information received from the~~
 21 ~~States under this subsection.~~

22 *(c) REPORT BY ATTORNEY GENERAL.—On an annual*
 23 *basis, the Attorney General shall submit to the House and*
 24 *Senate Committees on the Judiciary a report containing*

1 *the information received from the States and Indian tribes*
 2 *under this section.*

3 **SEC. 67. ADDITIONAL RESOURCES FOR FUGITIVE TASK**
 4 **FORCES AND EXTRADITION.**

5 (a) **PRESIDENTIAL THREAT PROTECTION ACT OF**
 6 **2000.**—Section 6(b) of the Presidential Threat Protection
 7 Act of 2000 (28 U.S.C. 566 note) is amended by adding
 8 at the end the following: “There are authorized to be ap-
 9 propriated to the Attorney General for the United States
 10 Marshals Service to carry out the provisions of this section
 11 \$20,000,000 for fiscal year 2009 and \$10,000,000 for
 12 each of the fiscal years 2010 through 2014.”

13 (b) **JUSTICE PRISONER AND ALIEN TRANSPORT SYS-**
 14 **TEM.**—There are authorized to be appropriated to the At-
 15 torney General for the United States Marshals Service
 16 \$3,000,000 for each of fiscal years 2009 through 2014
 17 to assist in extradition of fugitives through the Justice
 18 Prisoner and Alien Transport System.

19 **SEC. 7. ADDITIONAL RESOURCES FOR FUGITIVE TASK**
 20 **FORCES AND EXTRADITION.**

21 (a) **PRESIDENTIAL THREAT PROTECTION ACT OF**
 22 **2000.**—Section 6(b) of the Presidential Threat Protection
 23 Act of 2000 (28 U.S.C. 566 note) is amended by striking
 24 “and \$10,000,000 for each of fiscal years 2008 through
 25 2012” and inserting “\$10,000,000 for fiscal year 2008, and

1 \$50,000,000 for each of the fiscal years 2009 through 2012
2 and \$25,000,000 for each of fiscal years 2013 through 2015
3 for—

4 “(1) hiring senior-level criminal investigator
5 deputy marshals and administrative analysts to in-
6 crease staffing of the 6 existing Regional Fugitive
7 Task Forces;

8 “(2) establishing new Regional Fugitive Task
9 Forces in the areas of the country not currently served
10 by existing Regional Fugitive Task Forces;

11 “(3) hiring senior-level criminal investigator
12 deputy marshals and administrative analysts to staff
13 each new Regional Fugitive Task Force established
14 under this section;

15 “(4) hiring senior-level criminal investigator
16 deputy marshals to increase the staffing of the United
17 States Marshals Service Technical Operations Group,
18 which provides electronic and air surveillance in sup-
19 port of fugitive investigations;

20 “(5) providing training facilities and enhancing
21 training opportunities for Federal, State, local, and
22 tribal task force officers from agencies that partici-
23 pate in the Regional Fugitive Task Forces; and

24 “(6) other activities related to those described in
25 paragraphs (1) through (5).

1 *Any funds made available under this subsection shall re-*
 2 *main available until expended.”.*

3 (b) *JUSTICE PRISONER AND ALIEN TRANSPORT SYS-*
 4 *TEM.—*

5 (1) *AUTHORIZATION.—The Attorney General*
 6 *shall assist States and units of local government that*
 7 *participate in a Regional Fugitive Task Force by se-*
 8 *curing transportation services for the extradition of*
 9 *fugitives via the United States Marshals Service Jus-*
 10 *tice Prisoner and Alien Transportation Service.*

11 (2) *FUNDING.—There are authorized to be ap-*
 12 *propriated to the Attorney General for the United*
 13 *States Marshals Service \$3,000,000 for each of fiscal*
 14 *years 2009 through 2014 to assist in extradition of*
 15 *fugitives through the Justice Prisoner and Alien*
 16 *Transport System. Any funds made available under*
 17 *this subsection shall remain available until expended.*

18 **SEC. 8. EXTRADITION ASSISTANCE TO STATES.**

19 (a) *GRANT ASSISTANCE.—*

20 (1) *AUTHORIZATION OF GRANT ASSISTANCE.—*

21 (A) *IN GENERAL.—The Attorney General*
 22 *shall, subject to subsection (a)(4), make grants to*
 23 *States and Indian tribes for periods of 1 year*
 24 *which shall be used by States and units of local*
 25 *government and Indian tribes to extradite fugi-*

1 *tives from another State or Indian country for*
 2 *prosecution.*

3 *(B) SET ASIDE.—Up to 2 percent of the*
 4 *grant funding available under this section shall*
 5 *be reserved for Indian tribal governments, in-*
 6 *cluding tribal judicial systems.*

7 *(2) MATCHING FUNDS.—The Federal share of a*
 8 *grant received under this section may not exceed 80*
 9 *percent of the costs of a program or proposal funded*
 10 *under this section unless the Attorney General waives,*
 11 *wholly or in part, the requirements of this paragraph*
 12 *in the event of extraordinary circumstances.*

13 *(3) GRANT APPLICATIONS.—In its application*
 14 *for a grant under this section, a State or Indian tribe*
 15 *shall—*

16 *(A) describe the process and any impedi-*
 17 *ments to extraditing fugitives apprehended in*
 18 *other States or in Indian Country after being*
 19 *notified of such fugitives' apprehension;*

20 *(B) specify the way in which grant*
 21 *amounts will be used, including the means of*
 22 *transportation the State or Indian tribe intends*
 23 *to use for extradition and whether the State or*
 24 *Indian tribe will participate in the United*
 25 *States Marshals Service Justice Prisoner and*

1 *Alien Transport System program, as well as*
2 *whether it has participated in that program in*
3 *the past;*

4 *(C) specify the number of fugitives extra-*
5 *dited statewide by all jurisdictions for each of*
6 *the 3 years preceding the date of the grant appli-*
7 *cation; and*

8 *(D) specify the total amount spent statewide*
9 *by all jurisdictions on fugitive extraditions for*
10 *each of the 3 years preceding the date of the*
11 *grant application.*

12 *(4) ELIGIBILITY.—*

13 *(A) IN GENERAL.—In determining whether*
14 *to award a grant under this section to a State*
15 *or Indian tribe, the Attorney General shall con-*
16 *sider the following:*

17 *(i) The information in the application*
18 *submitted under paragraph (3).*

19 *(ii) The percentage of felony warrants*
20 *issued by the State, including units of local*
21 *government within the State, or Indian*
22 *tribe that the State or Indian tribe entered*
23 *into the NCIC database, as calculated with*
24 *the information provided under subsection*
25 *(b) and, beginning 1 year after the date of*

1 enactment of this Act, whether the State or
2 Indian tribe has made substantial progress
3 in improving the entry of felony warrants
4 into the NCIC database.

5 (iii) For grants issued after an initial
6 1 year grant, whether the State, including
7 units of local government within the State,
8 or Indian tribe has increased substantially
9 the number of fugitives extradited for pros-
10 ecution.

11 (B) *PREFERENCES.*—In allocating extra-
12 dition grants under this section, the Attorney
13 General should give preference to States that—

14 (i) 3 years after the date of enactment
15 of this Act, have entered at least 50 percent
16 of active felony warrants into the NCIC
17 database;

18 (ii) 5 years after the date of enactment
19 of this Act, have entered at least 70 percent
20 of active felony warrants into the NCIC
21 database; and

22 (iii) 7 years after the date of enact-
23 ment of this Act, have entered at least 90
24 percent of active felony warrants into the
25 NCIC database.

1 (5) *RECORD KEEPING.*—*States, including units*
 2 *of local government in the States, and Indian tribes*
 3 *that receive a grant under this section shall maintain*
 4 *and report such data, records, and information (pro-*
 5 *grammatic and financial) as the Attorney General*
 6 *may require.*

7 (6) *AUDIT.*—*The Attorney General shall conduct*
 8 *an audit of States' and Indian tribe's use of funds al-*
 9 *located under this section 18 months after the enact-*
 10 *ment of this Act and biennially thereafter. A State or*
 11 *unit of local government or Indian tribe that fails to*
 12 *increase substantially the number of fugitives extra-*
 13 *dited after receiving a grant under this section will*
 14 *be ineligible for future funds.*

15 (7) *AUTHORIZATION OF APPROPRIATIONS.*—
 16 *There are authorized to be appropriated to carry out*
 17 *this section \$50,000,000 for each of fiscal years 2009*
 18 *through 2015.*

19 (b) *ACTIVE FELONY WARRANTS ISSUED BY STATES*
 20 *AND INDIAN TRIBES.*—

21 (1) *IN GENERAL.*—*To assist the Attorney Gen-*
 22 *eral in making a determination under subsection*
 23 *(a)(4) concerning eligibility to receive a grant, and*
 24 *not later than 180 days after the date of the enact-*
 25 *ment of this Act and annually thereafter on a date*

1 *designated by the Attorney General, each State and*
 2 *Indian tribe shall provide the Attorney General with*
 3 *the total number of active felony warrants issued by*
 4 *the State, including units of local government in the*
 5 *State, or Indian tribe, regardless of the age of the*
 6 *warrants. The States and Indian tribes must describe*
 7 *categories of felony warrants not entered into the*
 8 *NCIC database and the reasons for not entering such*
 9 *warrants.*

10 (2) *FAILURE TO PROVIDE.*—*A State or Indian*
 11 *tribe that fails to provide the information described in*
 12 *paragraph (1) by the date required under such para-*
 13 *graph shall be ineligible to receive any funds under*
 14 *subsection (a), until such date as it provides such in-*
 15 *formation to the Attorney General.*

16 (c) *ATTORNEY GENERAL REPORT.*—

17 (1) *IN GENERAL.*—*Not later than January 31 of*
 18 *each year, the Attorney General shall submit to the*
 19 *Committee on the Judiciary of the Senate and the*
 20 *Committee on the Judiciary of the House of Rep-*
 21 *resentatives a report—*

22 (A) *containing the information submitted*
 23 *by the States and Indian tribes under subsection*
 24 (i);

1 (B) containing the percentage of active fel-
2 ony warrants issued by those States and Indian
3 tribes that has been entered into the NCIC data-
4 base, as determined under subsection
5 (a)(4)(A)(ii);

6 (C) containing a description of the cat-
7 egories of felony warrants States and Indian
8 tribes have not entered into the NCIC database
9 and the reasons such warrants were not entered,
10 as provided to the Attorney General under sub-
11 section (b)(1);

12 (D) comparing the warrant entry informa-
13 tion to data from previous years and describing
14 the progress of States and Indian tribes in enter-
15 ing active felony warrants into the NCIC data-
16 base;

17 (E) containing the number of persons that
18 each State, including units of local government
19 within the State, or Indian tribe has extradited
20 from other States or in Indian country for pros-
21 ecution and describing any progress the State or
22 Indian tribe has made in improving the number
23 of fugitives extradited for prosecution; and

24 (F) describing the practices of the States
25 and Indian tribes regarding the collection, main-

1 *tenance, automation, and transmittal of felony*
2 *warrants to the NCIC, that the Attorney General*
3 *considers to be best practices.*

4 *(2) BEST PRACTICES.—Not later than January*
5 *31 of each year, the Attorney General shall also pro-*
6 *vide the information regarding best practices, referred*
7 *to in paragraph (1)(F), to each State and Indian*
8 *tribe submitting information to the NCIC.*

Calendar No. 1032

110TH CONGRESS
2^D Session

S. 3136

A BILL

To encourage the entry of felony warrants into the
NCIC database by States and provide additional
resources for extradition.

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008
Reported with amendments